



October 10, 2002

EX PARTE

VIA ELECTRONIC FILING

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

RE: WC Docket No. 02-314 – Application of Qwest Communications International Inc. for Authorization to Provide In-Region, InterLATA Service in the States of Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and Wyoming

Dear Ms. Dortch:

This letter is a summary of PageData's ex parte telephone meeting yesterday, October 9, 2002 with FCC personnel. The following PageData personnel participated in the phone call: Joseph McNeal and Sharon McNeal. The following FCC personnel participated in the phone call: Michael Carowitz, Kimberly Cook, Michael Engel, Gail Cohen, and Marcy Greene.

During the conversation we discussed the attached document.

PageData opposes the approval of Qwest's application to provide in-region, InterLATA services in Idaho.

During the FCC Staff's review of Qwest's application, PageData requests the FCC Staff pay particular attention to the following issues:

- 1) Interconnection Agreements and all amendments that are filed in some states but have not been filed in all relevant states. For example, the entire interconnection agreement including previously unfiled amendments for Arch and Paging Network (PageNet) were filed in Iowa but have not been filed in Idaho even though Idaho is part of the agreement. The state of Idaho has limited resources to investigate interconnection agreements that were filed in Iowa and New Mexico and also apply to Idaho but have not been filed in Idaho.
- 2) In the IPUC Case USW-T-00-3, Motion for Alternative Procedures to Manage Section 271 Application, the Idaho Commission staff stated that "based on supplemental data provided by Qwest, Staff is not convinced that the record demonstrates that Qwest has

fully and irreversibly opened the local telecommunications market to competition for residential customers.”¹ Then Qwest submitted an Affidavit with supplemental information, including using Cricket as a substitute CLEC. The information provided by Qwest in that Affidavit needs to be thoroughly checked.

- 3) In Idaho, a Cricket cell phone company was used in lieu of a landline CLEC despite the fact that the ROC OSS test is not performed on wireless carriers.
- 4) The 14 point checklist is tainted because Qwest’s largest competitors were coerced by preferential treatment and cash not to participate in the 271 proceedings. By contractual arrangements, Qwest’s large competitors were prohibited from providing accurate report cards and time sheets, so the 14 point checklist is totally unreliable.
- 5) The carriers that were involved in the Minnesota investigation of unfiled interconnection agreements (OAH Docket No. 6-2500-14782-2) also do business in Idaho. It would stand to reason that since Minnesota thoroughly investigated Sections 251 and 252 violations and Idaho did not, that Minnesota’s conclusion that Qwest had knowingly and willingly discriminated against carriers in Minnesota would also apply to Idaho.
- 6) Qwest has not kept public promises to the FCC in the ex parte letter addressed to Ms. Dortch, dated August 20, 2002² that Qwest will file all interconnection agreements on a going forward basis and carriers will be able to adopt these provisions. Qwest has not filed all interconnection agreements in Idaho. Qwest has not allowed PageData or any other Idaho carrier the right afforded it under 252(i) to adopt the Arch interconnection agreement and its amendments as filed in Iowa and applies to Idaho, in its entirety with all the same terms and conditions. In opposition of 252(i), Qwest has not allowed PageData to adopt the US WEST New Vector interconnection agreement. The bedrock of the entire Telecommunications Act is to be able to adopt entire agreements or “pick and choose” provisions of agreements with the same terms and conditions under 252(i).
- 7) The ROC OSS process is extremely flawed because in our experience there is no way that Qwest would not have known the pseudo-CLEC was a fake company. In standard business practices there are standard checks that can be done over the Internet to check a company’s history and its existence such as: Federal Tax ID Number, Dunn & Bradstreet, Secretary of State’s filings, business license, ACNA, OCN, Polk City Directories, workman’s compensation, and a company website to name a few. A combination of several of these items not checking out would clue Qwest in that the pseudo-CLEC was not a valid company. Any Qwest employee would have access to check out a variety of these items easily.

¹ Idaho PUC Case No. USW-T-00-3, In the Matter of US West Communications Inc. Motion for Alternative Procedures to Manage its Section 271 Application, “Comments of the Commission Staff”, dated October 20, 2001, page 7

² DA-02-2065A2 Regarding *Applications of Qwest Communications International Inc. for Authorization Under Section 271 of the Communications Act*. WC Dockets No. 02-148 and 02-189

- 8) Qwest's newly created long distance subsidiary should be looked at more closely. Qwest created a brand new long distance company under the same management with all the same baggage. If Qwest and its other subsidiaries have been found answerable of misconduct why will the same personnel in a new company suddenly be any different? We are curious how Qwest's new long distance company can get a favorable interconnection agreement adopted so fast in comparison to other carriers that have to wait to adopt favorable interconnection agreements that were previously unfiled, including some that continue to be unfiled.

Thank you for your consideration in this matter.

Sincerely,

/s/ Joseph B. McNeal
Joseph B. McNeal

cc: Gary Remondino (by email)
Michael Carowitz (by email)
Service List (by email)